

IC 35-42

ARTICLE 42. OFFENSES AGAINST THE PERSON

IC 35-42-1

Chapter 1. Homicide

IC 35-42-1-0.1

Repealed

(Repealed by P.L.63-2012, SEC.46.)

IC 35-42-1-0.5

Abortions exempt

Sec. 0.5. Sections 1, 3, and 4 of this chapter do not apply to an abortion performed in compliance with:

- (1) IC 16-34; or
- (2) IC 35-1-58.5 (before its repeal).

As added by P.L.261-1997, SEC.2.

IC 35-42-1-1

Murder

Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking (before its repeal);
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);
 - (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (E) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.25; P.L.326-1987, SEC.2; P.L.296-1989, SEC.1; P.L.230-1993, SEC.2; P.L.261-1997, SEC.3; P.L.17-2001, SEC.15; P.L.151-2006, SEC.16; P.L.173-2006, SEC.51; P.L.1-2007, SEC.230; P.L.158-2013, SEC.410; P.L.214-2013, SEC.35; P.L.168-2014, SEC.65.

IC 35-42-1-2

Causing suicide

Sec. 2. A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a Level 3 felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.26; P.L.158-2013, SEC.411.

IC 35-42-1-2.5**Assisting suicide**

Sec. 2.5. (a) This section does not apply to the following:

(1) A licensed health care provider who administers, prescribes, or dispenses medications or procedures to relieve a person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, unless such medications or procedures are intended to cause death.

(2) The withholding or withdrawing of medical treatment or life-prolonging procedures by a licensed health care provider, including pursuant to IC 16-36-4 (living wills and life-prolonging procedures), IC 16-36-1 (health care consent), or IC 30-5 (power of attorney).

(b) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following commits assisting suicide, a Level 5 felony:

(1) Provides the physical means by which the other person attempts or commits suicide.

(2) Participates in a physical act by which the other person attempts or commits suicide.

As added by P.L.246-1993, SEC.1. Amended by P.L.1-1994, SEC.167; P.L.158-2013, SEC.412.

IC 35-42-1-3**Voluntary manslaughter**

Sec. 3. (a) A person who knowingly or intentionally:

(1) kills another human being; or

(2) kills a fetus that has attained viability (as defined in IC 16-18-2-365);

while acting under sudden heat commits voluntary manslaughter, a Level 2 felony.

(b) The existence of sudden heat is a mitigating factor that reduces what otherwise would be murder under section 1(1) of this chapter to voluntary manslaughter.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.27; P.L.321-1987, SEC.1; P.L.261-1997, SEC.4; P.L.158-2013, SEC.413.

IC 35-42-1-4**Involuntary manslaughter**

Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(b) A person who kills another human being while committing or

attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Level 5 felony.

(c) A person who kills a fetus while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
- (3) battery; or
- (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a Level 5 felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.28; P.L.261-1997, SEC.5; P.L.133-2002, SEC.65; P.L.7-2010, SEC.1; P.L.158-2013, SEC.414.

IC 35-42-1-5

Reckless homicide

Sec. 5. A person who recklessly kills another human being commits reckless homicide, a Level 5 felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.29; Acts 1980, P.L.83, SEC.6; P.L.158-2013, SEC.415.

IC 35-42-1-6

Feticide

Sec. 6. A person who knowingly or intentionally terminates a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus commits feticide, a Level 3 felony. This section does not apply to an abortion performed in compliance with:

- (1) IC 16-34; or
- (2) IC 35-1-58.5 (before its repeal).

As added by Acts 1979, P.L.153, SEC.3. Amended by P.L.2-1995, SEC.126; P.L.40-2009, SEC.1; P.L.158-2013, SEC.416.

IC 35-42-1-7

Repealed

(Repealed by P.L.158-2013, SEC.417; P.L.213-2013, SEC.19.)

IC 35-42-1-8

Repealed

(Repealed by P.L.158-2013, SEC.418.)

IC 35-42-1-9

Repealed

(Repealed by P.L.158-2013, SEC.419.)